

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

The Authors Guild Inc., Association of American
Publishers Inc., et al.,

Plaintiffs,

- v. -

Google Inc.,

Defendant.

Case No. 05-cv-8136 (DC)

Supplemental Declaration of the French
Republic in Opposition

I, Nicolas Georges, declare under penalty of perjury, depose and say :

I am the Director in charge of the Service of Book and Reading within the
ministry of Culture and Communication of the French Republic ("France") and hereby present
the main comments France wishes to make on the amended version of the settlement published
by the parties on November 13, 2009, in the case N° 05-cv-8136 (DC).

France reiterates its concerns expressed on September 8 in its Memorandum of
law in opposition to the settlement proposal, since they were not sufficiently taken into
consideration in the amended version.

The proposed amendments haven't changed the general economy of the initial
proposed settlement, but on details.

The Amended Settlement Agreement intends to reduce the "international scope of the class" by limiting the definition of "Books" in Section 1.19 to those which have been registered for copyright in the United States Copyright Office or which were published in Canada, the United Kingdom or Australia.


Many French authors and publishers have systematically registered their books with the United States Copyright Office until 1989 for the only purpose to enjoy copyright protection in that country. Those registrations should not be used now to make the same authors and publishers part of a system that affects their copyright. The Court should thus exclude all French authors and publishers from the class.

Concerning « Unclaimed books », national laws on « orphan » or « unclaimed » books in the digital age are now being elaborated in many countries. Each nation, pursuant to its own governing laws and structure, is the only actor with sufficient legitimacy to make decisions that affect Copyright. France considers that, in the meanwhile, any digital exploitation of books must abide by the international principles of copyright and, in particular, the prior consent of the rights holders. The amended settlement agreement may favor one corporate actor, whereas all actors, individuals and corporation, including authors and publishers, are equal before the law.

France joins the Federal Republic of Germany in its opposition to the Amended Settlement Agreement as set forth in its Memorandum in Opposition to the Amended Settlement Proposal on Behalf of the Federal Republic of Germany.

I, Nicolas Georges, declare under penalty of perjury under the laws of the United States, that the foregoing is true and correct.

Dated: Paris, France
January 28, 2010


Le directeur du livre
et de la lecture, par intérim
Nicolas GEORGES